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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/002,944	01/05/1998	THEODORE D. WUGOFSKI	450.208US1	8404

30408 7590 10/22/2002

GATEWAY, INC.
ATTENTION: IP LAW GROUP (MAIL STOP SD-21)
14303 GATEWAY PLACE
POWAY, CA 92064

EXAMINER

BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 10/22/2002

23

Please find below and/or attached an Office communication concerning this application or proceeding.

PB

Office Action Summary

Application No.

09/002,944

Applicant(s)

WUGOFSKI ET AL.

Examiner

KIEU-OANH T BUI

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/26/02 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-9, 11, and 13-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-9, 11, and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al (U.S. Patent No. 6,240,555) in view of Knee et al. (U.S. Patent No. 5,589,892).

Regarding claims 1 and 20, Shoff et al. (or “Shoff” hereinafter) disclose an information handling system (Fig. 2, and col. 2/line 55-col. 3/line 27), comprising:

a graphical user interface, i.e., a television system (Fig. 2/item 24) or a GUI 66 (Fig. 4/item 66); wherein the graphical user interface is configured to display a channel list including at least one television channel and at least one scheduled Internet channel concurrently, i.e., at least one TV channel and at least one scheduled Internet channel from the Internet broadcaster can be listed on the user’s scheduled program guide on certain topics and categories (Fig. 8c, sets of buttons 212-216 for television channels shown in col. 11/lines 3-11; and sets of buttons 232 to 236 for supplemental information or scheduled Internet channels shown in col. 12/lines 7-23 & lines 48-67); and

wherein the channel list includes graphical and behavioral attributes to determine the graphical user interface for the channel list when displayed in an electronic program guide, i.e., graphical or other indicia are displayed on the screen as well as behavioral attributes such as program title and, for example, merchandise picture and description with a plurality of buttons for controlling the display format (Fig. 8c, and col. 9/lines 30-53).

Shoff does not clearly shows the step of “provide at least one of the management functions selected from the group consisting of: adding the television channel, adding the Internet channel, removing the television channel, and removing the Internet channel” as claimed; however, Knee et al (or “Knee” hereinafter) disclose an exact same method and system

of providing the management functions to users in controlling the setting up of the channel lists, whether to add or remove the television channels and/or the Internet channels, by showing the technique on how to manage the channel list, the creation of favorite channel lists, and on how the user interface works and manages in order to create the channel lists based on the user's preferences for the electronic program guide (Knee, see col. 6/lines 39-60 for both the creating of favorite channel list comprising of both real and virtual channels; see Figs. 7 & 8 and col. 28/line 15 to col. 29/line 54 for more details on how to manage a favorite channel list(s) in adding or removing a channel for a preference channel list; and col. 45/line 60 to col. 46/line 7 for programs, channels or information from the Internet can be selected). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schoff's interactive entertainment system with Knee's disclosed technique in creating a favorite or preference channel list comprising both the television channels and the Internet channels, and then having an option on whether to add and/or remove a television channel and/or an Internet channel from that list as an enhanced feature for the electronic program guide as preferred.

Shoff further discloses the step of "wherein the at least one scheduled internet channel has at least one event with a scheduled start time and a scheduled end time" as pre-amended (after a RCE), because Schoff clearly states that the supplement content which representing the Internet channel are synchronizing in timing with the video content program, which also means that start time (as illustrated in Fig. 3, start time at 9:00PM Thursday for program 2, channel NBC, and internet content of NBC at the same start time on www.nbc.com/seinfeld.com) and the end time of the internet channel are scheduled accordingly to the scheduled time of the video program, referred herein as "a program boundary", in other words, a program with its start and end points in time to make a boundary for itself (Fig. 7/step 180, and col. 9/line 65 to col. 10/line 58).

As for claim 2, in further view of claim 1 above, Knee further reveals that “wherein the channel list is a favorite channels list”, i.e., the user can create his/her own favorite channel list by deleting or selecting a channel from choices based on news, movies or sports (Knee, Fig. 8).

With respect to claim 3, the step of “wherein the graphical user interface includes an electronic program guide configured to display the channel list” is disclosed by Shoff (Fig. 2; col. 4/lines 14-42) and Knee (Figs. 18-20 & 25-26).

Concerning claim 4, Shoff further discloses the step of “further comprising an electronic program database for storing the channel list” as Shoff includes a program memory 96 within the user’s television for storing the EPG channel list (Fig. 5, and col. 8/lines 4-18).

Regarding claims 5 and 19, in additional view of claim 1 above, the step of “further comprising a convergence system which includes the information handling system” is disclosed by Shoff due to the fact that Shoff reveals to include a DDS system, RF communication either wireless or wire-based systems can be interpreted as “a convergence system” for broadcasting interactive and non-interactive programs to a plurality of users (col. 4/lines 42-55).

Regarding claim 6, Shoff further discloses a computerized system for integrating Internet sources into an electronic program database comprising one or more television channels; one or more scheduled Internet channels; one or more channel lists integrating the television channels and the Internet channels, i.e., at least one TV channel and at least one scheduled Internet channel from the Internet broadcaster can be listed on the user’s scheduled program guide on certain topics and categories (Fig. 8c, sets of buttons 212-216 for television channels shown in col. 11/lines 3-11; and sets of buttons 232 to 236 for supplemental information or scheduled Internet channels shown in col. 12/lines 7-23 & lines 48-67); and a means for storing each one of the channel lists, for example, as Shoff includes a program memory 96 within the user’s television for storing the EPG channel list (Fig. 5, and col. 8/lines 4-18). Shoff further reveals the step of one or more internet channels having “at least one event with a scheduled start time

and a scheduled end time” as pre-amended (after a RCE) because Schoff clearly states that the supplement content which representing the Internet channel are synchronizing in timing with the video content program, which also means that start time (as illustrated in Fig. 3, start time at 9:00PM Thursday for program 2, channel NBC, and internet content of NBC at the same start time on www.nbc.com/seinfeld.com) and the end time of the internet channel are scheduled accordingly to the scheduled time of the video program, referred herein as “a program boundary”, in other words, a program with its start and end points in time to make a boundary for itself (Fig. 7/step 180, and col. 9/line 65 to col. 10/line 58).

Shoff does not clearly shows the system further comprising the step of “provide at least one of the management functions selected from the group consisting of: adding the television channel, adding the Internet channel, removing the television channel, and removing the Internet channel” as claimed; however, Knee et al (or “Knee” hereinafter) disclose an exact same method and system of providing the management functions to users in controlling the setting up of the channel lists, whether to add or remove the television channels and/or the Internet channels, by showing the technique on how to manage the channel list, the creation of favorite channel lists, and on how the user interface works and manages in order to create the channel lists based on the user’s preferences for the electronic program guide (Knee, see col. 6/lines 39-60 for both the creating of favorite channel list comprising of both real and virtual channels; see Figs. 7 & 8 and col. 28/line 15 to col. 29/line 54 for more details on how to manage a favorite channel list(s) in adding or removing a channel for a preference channel list; and col. 45/line 60 to col. 46/line 7 for programs, channels or information from the Internet can be selected). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schoff’s interactive entertainment system with Knee’s disclosed technique in creating a favorite or preference channel list comprising both the television channels and the Internet channels, and then having an option on whether to add and/or remove a television channel and/or

an Internet channel from that list as an enhanced feature for the electronic program guide as preferred.

Regarding claims 7-9, the steps of “further comprising a means for displaying a selected one of the channel lists wherein each one of the channel lists contains one or more stored properties for the means for displaying”; “wherein at least one of the stored properties relates to a graphical attribute of the means for displaying”; and “at least one of the stored properties relates to a behavioral attribute of the means for displaying” are taught by Shoff (see the Examiner’s discussion as disclosed in claims 1 and 20 above).

Regarding claim 11, Schoff discloses the steps of “wherein the user interfaces provide a management function of selecting the channel list”, i.e., at least one TV channel and at least one scheduled Internet channel from the Internet broadcaster can be listed on the user’s scheduled program guide on certain topics and categories (Fig. 8c, sets of buttons 212-216 for television channels shown in col. 11/lines 3-11; and sets of buttons 232 to 236 for supplemental information or scheduled Internet channels shown in col. 12/lines 7-23 & lines 48-67).

Regarding claims 13 and 14, Shoff discloses that “wherein the graphical user interface is a channel banner graphical user interface”, i.e., additional information is displaying on the user interface as a channel banner (Fig. 8c/item 240 & 242); and Knee teaches the step of “wherein the graphical user interface is a favorite channel list graphical user interface”, i.e., the user can create his/her own favorite channel list by deleting or selecting a channel from choices based on news, movies or sports (Knee, Fig. 8, and col. 28/line 33 to col. 29/line 54 for more details on this issue).

Regarding claims 15-18, these claims of “a computer-readable medium having computer-executable components comprising a database component for storing one or more channel lists, at least one of the channel lists integrating one or more television channels and one or more scheduled Internet channels; and a user interface component for displaying the channel lists” are rejected for the reasons given in the scope of the system claims 1-9, 11, 13-14 and 19-20 (to avoid unnecessary repetitions) as already discussed in details above.

Conclusion

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park IV, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Krista Bui
Art Unit 2611
October 9, 2002